



Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

March 7, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During October 2012

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of October 2012 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for East Helena (EH) Site
October 2012**

#	Topics & Subtasks	Date(s)	Major Activities ⁱ	Con ⁱⁱ
I.	RCRA Corrective Action			
A.	Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.	NA
2.	FSAP	During Period	The CT secured a discounted rate from Energy Lab for soil sampling to be conducted for the EH School District and Hydrometrics began scheduling down gradient well drilling and began creating and updating access agreements.	CT HY
		10/9-12/12	Hydrometrics conducted site-wide GW level monitoring.	HY
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.	NA
4.	Upper Lake Aquifer Test	During Period	<ul style="list-style-type: none"> EH personnel disconnected and removed the UL pump for the winter in connection with the UL pump tests to evaluate turbidity and drawdown impacts, discontinued daily collection of water level data in UL, LL, and Prickly Pear Creek (PPC) (upstream and downstream of the dam) and turbidity monitoring (upstream of the dam, downstream of the dam and at locations in East Helena (near the Main Street Bridge and downstream) for the winter due to freezing conditions making data collection and accuracy more difficult. Data collection will continue in the spring. Hydrometrics began working on the UL bathymetric survey and continued with the UL analysis. 	HY TS
5.	GW Model	During Period	No significant GW model activities occurred during the reporting period.	NA
6.	Database Management	During Period	No significant database management activities occurred during the reporting period. All 2012 FSAP data has been entered into the database.	NA
7.	Project Management	During Period	Hydrometrics attended the DES meeting regarding the Smelter Dam Emergency Action Plan (EAP) table top exercise.	NA
B.	Interim Measures			
1.	SPHC IMs	During Period	<ul style="list-style-type: none"> Made revisions to FEMA CLOMR notification letter and figures Reviewed comments on CLOMR from Baker AECOM (dated 10/05/12) and coordinated with Paul Anderson at Michael Baker AECOM regarding his comments on the CLOMR submittal Revised HEC-RAS model to adjust for Bypass review comments Held field walkthrough with design team to determine locations for additional stream X-S south of Hwy 12. 	CH MM
2.	ET Cover System IMs	During Period	<ul style="list-style-type: none"> Completed preparation of Contract Document package and issued on 10/5 Held site walk with Demo Phase 1 contractors on 10/11, received contractor bids for Phase 1 on 10/26 Continued working on Plan and Profile for City of East Helena water main alternative connection with revised alignment for connection north of Highway 12 Finalized and submitted internally reviewed 90% Plans Tech Specs and Design Report for City of East Helena water main and alternative connection for Trust, Beneficiary and City of East Helena Review on 10/26. 	CH MM HY

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3.	Source Removal IMs	During Period	<ul style="list-style-type: none">Excavated and logged 13 test pits in proposed CAMU #3 footprint areaBegan preliminary analysis of test pit soilsContinued working on 60% design of CAMU #3Continued working on groundwater quality summary trend plots for Tito Park/Lower Lake/UOSA area wellsSubmitted LOSA and East Bench CSM's to METG on 10/16.	CH MM HY
4.	IM Work Plans	During Period	<ul style="list-style-type: none">Reviewed and prepared first draft responses on the State comments from Doug Martin for the IMWP 2013Prepared updated construction cost estimate for PPC Realignment, for inclusion in 2013 IMWPExcavated test pits in LOSA for CAMU #3 CCL design.	CH TS HY
5.	RCRA Team Support	During Period	<ul style="list-style-type: none">Continued work on various CSMs, focusing on LOSA, Acid Plant Area, and Tito Park. Draft LOSAAcid Plant and East Bench CSM's submitted to METG for review.	CH MM HY
6.	General (Programmatic) IMs	During Period	<ul style="list-style-type: none">Worked on groundwater quality summary trend plots for Tito Park/Lower Lake/UOSA area wellsContinued internal review of draft quality assurance plan (for engineering and construction)	CH
7.	Project Management	During Period	<ul style="list-style-type: none">Continued preparation of 2012 budget reallocationMade minor revisions and resubmitted reallocation spreadsheet to MECTContinued preparation of the IMWP 2013 schedulePrepared draft and revised schedulesPrepared IMWP 2013 text related to these schedulesPrepared preliminary ETCs for all engineering tasks and submitted to task managers for review	CH
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.	NA
C.	CMS			
II. Beneficiary/Stakeholder Communications				
A.	Beneficiary Communications	10/03/12	East Helena Beneficiaries Meeting	
		10/16/12	Review 2013 Draft East Helena Clean-up Account Budget	
B.	Stakeholder Communications	10/01/12	meet with L&CC	
		10/23/12	COEH Water Line Design Review with COEH	
III. Site Management & Operations				
A.	Site-Wide Health & Safety/Regulatory Compliance	During Period	<ul style="list-style-type: none">EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, measured leachate levels in CAMU #2, temporary liners, natural gas hoses and hazardous waste roll-offsReceived TCLP results for street sweepings and determined they were hazardous waste, dated and labeled bin containing street sweepingsEmerald Recycling quoted disposal costs and hazardous waste profile for the plant roadway sweepings,	CT TS HY
		10/5/12	The CT submitted the HDS water treatment plant DMRs for the month of September to the DEQ.	CT
		10/24/12	The CT received a letter from SHPO authorizing the demolition of the Manager's house out buildings.	CT
B.	Site Security	During	No significant site security activities occurred during this reporting period.	NA

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		Period		
C.	Plant Operations	During Period	<ul style="list-style-type: none"> EH personnel relocated the METG sign from the automatic gate to the side of the new office building Continued maintenance on the HDS building, including removing the rusted tin and foam insulate Repaired a hole in the Bath House roof left from the asbestos sampling and replaced a light on the south side of the building Completed the annual inspection of all fire extinguishers on the plant site Excavated the drainage ditch along the SE side of CAMU #2 to provide adequate clean stormwater drainage Moved 3 – 55 gallon drums to the Belly yard for the EPA PRB sampling Checked the temporary liner for wind damage and removed the coverall fabric from the Blast sumps Swept the roadways on the plant site with the 800 sweeper to remove contaminants and debris, 	TS
D.	Stormwater Management	During Period	EH personnel operated the HDS water treatment plant in preparation for winter. During operation they ran into turbidity problems and operational sample analysis detected higher than normal lead concentrations. The compliance sample was analyzed by Energy Lab and later verified lead levels were within discharge limits.	TS
E.	Documents & Records	During Period	No significant other Documents & Records activities occurred during this reporting period.	NA
F.	Water Rights	During Period	No significant water rights activities occurred during this reporting period.	NA
G.	Other Property Management	During Period	No significant Other Property Management activities occurred during this reporting period.	NA
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.	NA
IV. Property Use/Development				
A.	Agricultural Leases	10/11/12	<ul style="list-style-type: none"> Discontinued use of the irrigation pump supplying water to Gary Burnham at Simac fields for the season. EH personnel helped load the Rain for Rent fuel tank at Simac Field for transport back to Rain for Rent and hauled the lego blocks at the pump back to the plant site. 	TS HY
B.	Community Land Uses	During Period	No significant community land uses activities occurred during this reporting period.	NA
C.	Redevelopment & Property Sale	During Period	<ul style="list-style-type: none"> EH personnel installed lego blocks along the new property line between American Chemet and the CT, installed foam blocks and sandbags along the seams of the blocks to divert the flow of storm water away from the Chemet parcel. Reese & Associates installed final survey monuments on the Chemet property survey, 	TS
D.	Slag Re-Processing	During Period	<ul style="list-style-type: none"> Ashgrove Cement notified the CT they plan to haul slag Smith Contracting decontaminated their slag crusher equipment and moved it off-site on 10/16 Metallica loaded crushed slag into a train for shipment to British Columbia on 10/23 and 10/30 	CT
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.	NA
V. CT Operations & Financial Affairs				
A.	Personnel & Office Operations	During	EH personnel installed a second set of internet cables to each office in the new office building, installed fire extinguishers in the new	CT

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		Period	office and installed oak vents in the computer room door to provide ventilation	
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems .	CT CH SP
VI.	Upcoming Activities			
		11/08/12	EHECTIC Meeting	
		11/15/12	Montana Wetlands Conference Presentation (JF)	
		11/30/12	Meet with L&CC	

ⁱ See [Attachment I](#) for a list of acronyms used in the weekly progress reports.

ⁱⁱ “Con” refers to consultants, contractors and third-party professionals involved in the specific tasks and activities. A list of all such consultants, contractors and third-party professionals, along with the corresponding abbreviations used in the weekly progress reports, is provided in [Attachment II](#).

Section 3. Describe and estimate the percentage of studies completed.

Bids for the Phase 1 Demolition were received in October 2012. No other projects or studies were completed in October 2012. A complete listing of projects completed in 2012 will be reported in the January 2013 Progress Report.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are still being resolved between the beneficiaries and ASARCO.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", with a long horizontal flourish extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as

Trustee of the Montana Environmental Custodial Trust

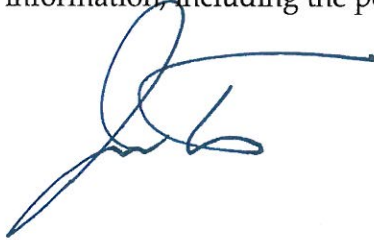
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



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By: Greenfield Environmental Trust Group, Inc., Member

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